

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:09-CR-141
)	
JAMES LaPOINTE)	

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion for a continuance of the trial date [doc. 179]. In support of his motion, defendant states that his attorney is counsel in a death penalty trial set to begin on May 3, 2010, with motions and out-of-town juror selection in that case expected to consume most of April. The government has no objections to the requested continuance.

The court finds the motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In light of the reasoning set forth by the defendant, the court finds that the failure to grant his motion would deny defense counsel the reasonable time necessary for effective trial preparation. 18 U.S.C. § 3161(h)(7)(B)(iv). The defendant's motion requires a delay in the proceedings. Therefore, all the time from the filing of the defendant's motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

Therefore, it is hereby **ORDERED** that the defendant's motion [doc. 179] is **GRANTED**, and this criminal case is **CONTINUED** to Monday, **July 12, 2010, at 9:00 a.m.**

ENTER:

s/ Leon Jordan
United States District Judge